

.....
(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To amend certain provisions of subchapter III of chapter 5 of title 40, United States Code, to include Indian tribes in property disposal programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RAHALL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend certain provisions of subchapter III of chapter 5 of title 40, United States Code, to include Indian tribes in property disposal programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Disposal of Sur-
5 plus Property to Indian Tribes Act”.

1 **SEC. 2. DEFINITION OF INDIAN TRIBE.**

2 (a) IN GENERAL.—Subchapter III of chapter 5 of
3 title 40, United States Code, is amended by adding at the
4 end the following:

5 **“§ 560. Definition of Indian tribe**

6 “In this subchapter, the term ‘Indian tribe’ means
7 any Indian tribe, band, nation, or other organized group
8 or community that the Secretary of the Interior acknowl-
9 edges to exist as an Indian tribe under the Federally Rec-
10 ognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 5 of title 40, United States Code, is amended by insert-
13 ing after the item relating to section 559 the following:

“560. Definition of Indian tribe.”.

14 **SEC. 3. PROCEDURE FOR DISPOSAL.**

15 Section 545(b)(8) of title 40, United States Code, is
16 amended to read as follows:

17 “(8) the disposal will be to a State, territory, or
18 possession of the United States, to a political sub-
19 division of, or a tax-supported agency in, a State,
20 territory, or possession, or to an Indian tribe and
21 the estimated fair market value of the property and
22 other satisfactory terms of disposal are obtained by
23 negotiation; or”.

1 **SEC. 4. DONATION OF PERSONAL PROPERTY.**

2 (a) IN GENERAL.—Section 549 of title 40, United
3 States Code, is amended—

4 (1) in the section heading by striking
5 **“through state agencies”**;

6 (2) in subsection (b)(1) by striking “state agen-
7 cy” and inserting “state agency or an Indian tribe”;

8 (3) in subsection (c)—

9 (A) by amending paragraph (1) to read as
10 follows:

11 “(1) IN GENERAL.—The Administrator shall al-
12 locate and transfer property under this section in ac-
13 cordance with criteria that are based on need and
14 use and that are established after consultation with
15 state agencies or an Indian tribe to the extent fea-
16 sible. The Administrator shall give fair consider-
17 ation, consistent with the established criteria, to an
18 expression of need and interest from a public agency
19 or other eligible institution within a State or an In-
20 dian tribe. The Administrator shall give special con-
21 sideration to an eligible recipient’s request, trans-
22 mitted through the state agency or an Indian tribe,
23 for a specific item of property.”;

24 (B) in paragraph (2) by striking “the
25 States” and inserting “the States and Indian
26 tribes”; and

1 (C) in paragraph (3)—

2 (i) by striking “state agency” each
3 place it appears and inserting “state agen-
4 cy or Indian tribe”; and

5 (ii) by striking “within the State” and
6 inserting “within the State or to an Indian
7 tribe”;

8 (4) in subsection (d)(2) by striking “state agen-
9 cy” and inserting “state agency or Indian tribe”;

10 (5) in subsection (e)—

11 (A) in the heading by striking “STATE”;

12 (B) by amending paragraph (1) to read as
13 follows:

14 “(1) IN GENERAL.—Before property may be
15 transferred to a state agency or Indian tribe, the
16 State or Indian tribe shall develop a detailed plan of
17 operation, in accordance with this subsection and
18 with state or tribal law.”;

19 (C) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) by striking “state”; and

22 (II) by striking “State” and in-
23 serting “State or Indian tribe”;

24 (ii) in subparagraph (B) by striking
25 “state”; and

1 (iii) in subparagraph (C)—

2 (I) by striking “State” and in-
3 serting “State or Indian tribe”; and

4 (II) by striking “state”; and

5 (D) in paragraph (3)—

6 (i) by striking “state plan of oper-
7 ation” each place it appears and inserting
8 “plan of operation”; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(I) TREATMENT OF INDIAN TRIBES.—For
12 the purposes of this paragraph, the require-
13 ments applicable to a state agency or State
14 shall apply to an Indian tribe.”; and

15 (6) in subsection (f)—

16 (A) in the heading by striking “WITH
17 STATE AGENCIES”; and

18 (B) by striking “state” each place it ap-
19 pears and inserting “state or tribal”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 5 of title 40, United States Code, is further amended
22 by striking the item relating to section 549 and inserting
23 the following:

“549. Donation of personal property.”.

1 **SEC. 5. DISPOSAL OF REAL PROPERTY FOR CERTAIN PUR-**
2 **POSES.**

3 Section 550 of title 40, United States Code, is
4 amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2) by striking “to a
7 State,” and inserting “to a State, an Indian
8 tribe,”; and

9 (B) in paragraph (3) by striking “State,”
10 and inserting “State, Indian tribe,”;

11 (2) in subsection (d)—

12 (A) in paragraph (2) by striking “to a
13 State” and inserting “to a State, an Indian
14 tribe,”; and

15 (B) in paragraph (3) by striking “State,”
16 and inserting “State, Indian tribe,”;

17 (3) in subsection (e)—

18 (A) in paragraph (2) by striking “to a
19 State” and inserting “to a State, an Indian
20 tribe,”; and

21 (B) in paragraph (3) by striking “State,”
22 and inserting “State, Indian tribe,”;

23 (4) in subsection (f)—

24 (A) in paragraph (2) by striking “to a
25 State” and inserting “to a State, an Indian
26 tribe,”;

1 (B) in paragraph (3)(A)(ii) by striking
2 “local” and inserting “local or tribal”; and

3 (C) in paragraph (4)(A) by striking “by
4 the State” and inserting “by the State, Indian
5 tribe,”; and

6 (5) in subsection (h) by striking “to a State”
7 and inserting “to a State, an Indian tribe,”.

8 **SEC. 6. PROPERTY FOR CORRECTIONAL FACILITY, LAW EN-**
9 **FORCEMENT, AND EMERGENCY MANAGE-**
10 **MENT RESPONSE PURPOSES.**

11 Section 553(b) of title 40, United States Code, is
12 amended by striking “to a State, or political” and insert-
13 ing “to a State, an Indian tribe, or a political”.

14 **SEC. 7. PROPERTY FOR DEVELOPMENT OR OPERATION OF**
15 **A PORT FACILITY.**

16 Section 554(c)(1) of title 40, United States Code, is
17 amended by striking “of a State” and inserting “of a
18 State or to an Indian tribe”.

19 **SEC. 8. REPORT.**

20 Not later than 3 years after the date of enactment
21 of this Act, the Administrator of General Services shall
22 transmit to the Committee on Transportation and Infra-
23 structure of the House of Representatives and the Com-
24 mittee on Environment and Public Works of the Senate
25 a report on—

1 (1) the procedures used to notify Indian tribes,
2 as defined in section 560 of title 40, United States
3 Code, of the availability of surplus property;

4 (2) the number of such Indian tribes that ex-
5 pressed interest in surplus property available under
6 subchapter III of chapter 5 of title 40, United
7 States Code; and

8 (3) the number of such Indian tribes that re-
9 ceived surplus property under such subchapter.